

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 194.2, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 68, “Dairy,” Iowa Administrative Code.

The proposed amendments update the reference to the handbooks used for dairy inspections. An obsolete grandfathering provision on milk truck approaches is deleted.

Any interested person may make written comments on the proposed amendments on or before January 20, 2010. Comments may be sent to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319; or E-mailed to [Margaret.Thomson@Iowaagriculture.gov](mailto:Margaret.Thomson@Iowaagriculture.gov).

No waiver provision is included in the proposed amendments. However, the Department’s general waiver provisions, found at 21—Chapter 8, apply.

These amendments are intended to implement Iowa Code section 192.102.

The following amendments are proposed.

ITEM 1. Amend rule **21—68.1(192,194)**, definition of “P.M.O.,” as follows:

“*P.M.O.*” means the Grade A Pasteurized Milk Ordinance, ~~2003 Recommendations of 2009 Revisions, from~~ the United States Public Health Service/Food and Drug Administration, a copy of which is on file with the department and is incorporated into this chapter by reference and made a part of this chapter.

ITEM 2. Amend subrule 68.11(1) as follows:

**68.11(1)** Grade A and Grade B farm permit suspension and revocation. The department may temporarily suspend a Grade A or Grade B farm permit if the dairy farm fails to meet all the requirements as set forth in the P.M.O. or the Grade B United States Department of Agriculture document titled, “Milk for Manufacturing Purposes and Its Production and Processing, Recommended Requirements,” effective ~~June 17, 2002~~ September 1, 2005. A Grade A farm under temporary suspension of the Grade A permit may sell the milk as “milk for manufacturing purposes” until reinstated as a Grade A farm if the former Grade A farm meets the requirements necessary to sell Grade B milk. A Grade B farm under temporary suspension of the Grade B permit may sell milk as “Undergrade Class 3” until reinstated as a Grade B farm if the former Grade B farm meets the requirements of Undergrade Class 3. If an inspection reveals a violation which, in the opinion of the inspector, is an imminent hazard to the public health, the inspector shall take immediate action to prevent any milk believed to have been exposed to the hazard from entering commerce. In addition, the inspector shall immediately notify the department that such action has been taken. In other cases, if there is a repeat violation of a dairy standard as determined by two consecutive routine inspections of a dairy farm, the inspector shall immediately refer the violation to the department for action. The department may revoke the dairy permit of a person that the department determines is a habitual violator as defined in rule 21—68.1(192,194).

ITEM 3. Amend rule 21—68.13(192,194) as follows:

**21—68.13(192,194) Public health service requirements.**

**68.13(1) Certification.** A rating of 90 percent or more calculated according to the rating system as contained in Public Health Service “Methods of Making Sanitation Ratings of Milk Shippers,”

2003 2009 Revision, shall be necessary to receive or retain a Grade A certification under Iowa Code chapter 192. That publication is hereby incorporated into this rule by this reference and made a part thereof insofar as applicable, a copy of which is on file with the department.

**68.13(2) Documents.** The following publications of the Public Health Service of the Food and Drug Administration are hereby adopted. A copy of each is on file with the department:

1. "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments," 2003 2009 Revision.

2. "Standards for the Fabrication of Single Service Containers and Closures for Milk and Milk Products," as incorporated in the P.M.O., Appendix J.

3. "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey," Supplement I to the Grade A Pasteurized Milk Ordinance, 1995 2009 Recommendations.

4. "Evaluation of Milk Laboratories," 1995 2009 Revision.

This rule is intended to implement Iowa Code chapter 192.

ITEM 4. Amend rule 21—68.15(192,194) as follows:

**21—68.15(192,194) Milk standards.** Standards for the production and processing of milk for manufacturing purposes shall conform to standards contained in the USDA document entitled "Milk for Manufacturing Purposes and Its Production and Processing, Recommended Requirements," dated ~~June 17, 2002~~ September 1, 2005, which is hereby incorporated into this rule by reference and made a part thereof insofar as applicable, a copy of which is on file with the department.

ITEM 5. Amend subrule 68.37(1) as follows:

**68.37(1)** The milk truck approach of a dairy farm facility shall not be through a cowyard or any other animal confinement area. ~~In a dairy facility that is under permit by the department on February 28, 2001, the operator of the facility shall have until January 1, 2002, to modify the facility to comply with this rule.~~